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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) 2:17-CR-272-JAD-(CWH)

Plaintiff,)

v.)

Preliminary Order of Forfeiture

ROSE MARIE DAVIS,)

Defendant.)

This Court finds that defendant Rose Marie Davis pled guilty to Counts One, Three, and Five of a Five-Count Criminal Indictment charging her in Count One with Mail Theft in violation of Title 18, United States Code, Section 1708; in Count Three with Using or Trafficking in an Unauthorized Access Device in violation of Title 18, United States Code, Section 1029(a)(2); and in Count 5 with Aggravated Identity Theft in violation of Title 18, United States Code, Section 1028A(a)(1), (c)(4), and (c)(5). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 21; Plea Agreement, ECF No. 22.

This Court finds defendant Rose Marie Davis agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgment set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 21; Plea Agreement, ECF No. 22.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the

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1 Forfeiture Allegations of the Criminal Indictment and the offenses to which defendant Rose
2 Marie Davis pled guilty.

3 The following property and money judgment are (1) any property, real or personal, which
4 constitutes or is derived from proceeds traceable to violations of Title 18, United States Code,
5 Section 1708, a specified unlawful activity as defined in Title 18, United States Code, Section
6 1956(c)(7)(D), or a conspiracy to commit such offense; (2) any property, real or personal, which
7 constitutes or is derived from proceeds traceable to violations of Title 18, United States Code,
8 Section 1029(a)(2), or Title 18, United States Code, Section 1028A(a)(1) with (c)(4) and (c)(5),
9 or a conspiracy to commit such offense; (3) any property constituting, or derived from, proceeds
10 obtained directly or indirectly, as the result of violations of Title 18, United States Code, Section
11 1029(a)(2), or Title 18, United States Code, Section 1028A(a)(1) with (c)(4) and (c)(5), affecting
12 a financial institution, or a conspiracy to violate such offense; (4) any property constituting, or
13 derived from, proceeds obtained directly or indirectly, as the result of violations of Title 18,
14 United States Code, Section 1029(a)(2), or Title 18, United States Code, Section 1028A(a)(1)
15 with (c)(4) and (c)(5), or a conspiracy to violate such offense; and (5) any personal property used
16 or intended to be used to commit the violations of Title 18, United States Code, Section
17 1029(a)(2) or Title 18, United States Code, Section 1028A(a)(1) with (c)(4) and (c)(5), and are
18 subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28,
19 United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); Title
20 18, United States Code, Section 982(a)(2)(B); Title 18, United States Code, Section
21 1029(c)(1)(C) and (c)(2); and Title 21, United States Code, Section 853(p):

- 22 1. the bank debit card of M.F.;
- 23 2. the bank debit card of B.R.; and
- 24 3. any and all fraudulent access devices including, but not limited to, at least credit
25 cards, debit cards, checks, and account numbers

26 (all of which constitutes property)

1 and an in personam criminal forfeiture money judgment of \$32,163.85, and that the
2 property will not be applied toward the payment of the money judgment.

3 This Court finds the United States of America is now entitled to, and should, reduce the
4 aforementioned property to the possession of the United States of America.

5 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
6 the United States of America should seize the aforementioned property.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States
8 recover from Rose Marie Davis an in personam criminal forfeiture money judgment of
9 \$32,163.85.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest
11 of Rose Marie Davis in the aforementioned property is forfeited and is vested in the United
12 States of America and shall be safely held by the United States of America until further order of
13 the Court.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
15 America shall publish for at least thirty (30) consecutive days on the official internet government
16 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
17 property, state the time under the applicable statute when a petition contesting the forfeiture must
18 be filed, and state the name and contact information for the government attorney to be served
19 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
20 Section 853(n)(2).

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
22 entity who claims an interest in the aforementioned property must file a petition for a hearing to
23 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
24 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
25 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature
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1 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
2 facts supporting the petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
4 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
5 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than
6 sixty (60) days after the first day of the publication on the official internet government forfeiture
7 site, www.forfeiture.gov.

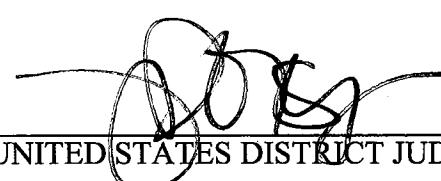
8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
9 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
10 the following address at the time of filing:

11 Michael A. Humphreys
12 Assistant United States Attorney
13 Daniel D. Hollingsworth
14 Assistant United States Attorney
15 501 Las Vegas Boulevard South, Suite 1100
16 Las Vegas, Nevada 89101.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
18 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
19 agency following publication of notice of seizure and intent to administratively forfeit the above-
20 described property.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
22 of this Order to all counsel of record and three certified copies to the United States Attorney's
23 Office, Attention Asset Forfeiture Unit.

24 DATED this 21 day of November 2017.

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26 UNITED STATES DISTRICT JUDGE